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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re the Application of **Barker et al**

Application No. 10/099,864

Attorney Docket No. 1032-P02467US1

Filed: March 13, 2002

For: PRE-FILLED SAFETY VIAL INJECTOR

Examiner: Maynard, Jennifer

Group Art Unit: 3763

**RESPONSE TO OFFICE ACTION**

**IN THE CLAIMS**

Please cancel claims 3, 5, 9, 21, 21 and 33-53.

Please add claims 61-89 as set forth below.

Please amend the claims as follows.

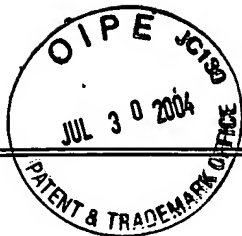
1. (Presently Amended) A medical device for injecting medicinal fluid from a vial having a container and an amount of medicinal fluid, comprising:
  - a hollow barrel;
  - a vial holder displaceable within the barrel having a socket associated with the  
~~barrel~~ configured to receive the vial;
  - a needle having a sharpened tip operable between an exposed position in which the sharpened tip projects forwardly from the barrel and a shielded position in which the sharpened tip is shielded from contact; and
  - a transfer chamber within the barrel for receiving the medicinal fluid from the vial, wherein the transfer chamber is adapted to be in fluid communication with the needle;
  - wherein after use, the needle is disposed in the shielded position.

08/02/2004 CCHAU1 00000002 10099864

01 FC:2252 210.00 OP

08/02/2004 CCHAU1 00000002 10099864

02 FC:2202 27.00 OP



## FEE TRANSMITTAL

### Complete if known

Application Number: 10/099,864

Filing Date: March 13, 2002

First Named Inventor: Barker

Group Art Unit: 3763

Examiner Name: Maynard, Jennifer

Total Amt. of Payment: (1)+(2)+(3)= **\$237**

Attorney Docket Number: 1032-P02467US1

### METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to:

- ☐ Charge indicated fees  
☒ Charge additional fees  
☒ Credit overpayments

to the account of DANN, DORFMAN, HERRELL & SKILLMAN  
Deposit Account Number 04-1406

2. Payment enclosed:

Check in the amount of \$237

### FEE CALCULATION

#### 1. FILING FEE

##### Fee Description

Utility filing fee \_\_\_\_\_  
Design filing fee \_\_\_\_\_  
Plant filing fee \_\_\_\_\_  
Reissue filing fee \_\_\_\_\_

Fee

SUBTOTAL (1) \$0

### FEE CALCULATION (continued)

#### ADDITIONAL FEES

##### Fee Description

##### Fee Paid

Surcharge-late filing fee or oath \_\_\_\_\_

Surcharge - late provisional filing fee or cover sheet \_\_\_\_\_

Extension for response within second month 210

Notice of Appeal \_\_\_\_\_

Filing a brief in support of an appeal \_\_\_\_\_

Request for oral hearing \_\_\_\_\_

Petition to revive unavoidably abandoned appl. \_\_\_\_\_

Petition to revive unintentionally abandoned appl. \_\_\_\_\_

Issue fee \_\_\_\_\_

Petitions to the Commissioner \_\_\_\_\_

Petitions related to provisional applications \_\_\_\_\_

Submission of Information Disclosure Stmt. \_\_\_\_\_

Recording each patent assignment per property \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) \$210

#### 2. Claims

		Paid		Extra		Fee
Total Claims	63	-60	=	3	x 9	= 27
Independent Claims	5	-5	=	0	x 43	= 0

Multiple Dependent  
(First presentation)

SUBTOTAL (2) \$27

Submitted By: Stephen H. Eland

Reg. Number 41,010

Signature

Date July 28, 2004

Deposit Account User ID  
04-1406